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SUNSHINE FROM BRULLES

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MAX BAUCUS  
MONTANA

## United States Senate

WASHINGTON, DC 20510-2602

February 3, 2003

The Honorable Christine Todd Whitman  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, D.C. 20004-2403

SDMS Document ID



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from  
Sandy  
x 6604

Dear Ms. Whitman:

I applaud the Environmental Protection Agency (EPA) for the work it has done so far to respond to all aspects of asbestos contamination in Libby, Montana, including cleanup, economic development through the Brownfield's program, and health care. The response from EPA under your leadership to my constituents in Libby and Montana, as they face an environmental and health care crisis of unprecedented scope, remains unique. I deeply appreciate your personal commitment to Libby.

However, as you are aware, there remains a lot of work to be done in Libby to ensure that the community finally gets the clean bill of health it so desperately needs. Working with Libby and our federal partners to see that the community gets all the needed resources to achieve a clean bill of health remains my highest priority as a Montanan and a member of Congress.

Ms. Whitman, the tragic proportions of what has occurred in Libby has required a creative and unique response, from cleanup to long-term healthcare, and your agency has responded admirably to that challenge. However, I have been concerned by reports in the press and elsewhere relating to EPA's handling of public warnings about the health risks associated with finished Zonolite insulation and a public health emergency declaration in Libby. I would like to outline my own request for clarification of this issue, and for additional information on the health impacts of tremolite asbestos or "Libby fiber."

You may recall from personal discussions I had with you that I understood EPA Region 8 staff in April 2002 urged the EPA to begin an expeditious removal of contaminated materials from homes, structures and property in Libby.

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However, I also understood from you that the EPA had no clear authority to take this unique action. Many alternatives were discussed, including the unusual action of declaring a public health emergency.

Again, my understanding from you and other members of your staff in Washington DC and at the Region 8 office, was that this declaration was being considered solely for the purpose of granting EPA unique and unprecedented authority to remove contaminated materials from homes in Libby.

Because of the extraordinary levels of asbestos contamination in Libby, the uniqueness of the situation in this community, which includes hundreds of deaths and illnesses attributed to asbestos exposure, I personally urged you to leave no stone unturned as you sought to swiftly answer the challenge of how to best begin an expeditious removal of contaminated materials from homes in Libby. It was and continues to be imperative to reduce the exposure of Libby residents to asbestos.

In an effort to clarify what happened in Libby, and so that I can gain a better understanding of how to be of the greatest assistance to my constituents in Libby and Montana, I would ask you to please discuss in detail your decision to grant authority to EPA to remove contamination from homes in Libby. Please also discuss the unique elements of the situation in Libby, and how these unique elements impacted your decision to allow the cleanup action.

Please also discuss EPA's previous experience using a declaration of a public health emergency as a means to garner specific health care resources for a community like Libby, if such a declaration has ever been made. Please indicate the process for requesting that a second declaration be declared in Libby for the separate purpose of garnering health care resources in Montana. Please detail any communications EPA has had with Agency for Toxic Substances and Disease Registry (ATSDR) regarding the impacts of declaring a public health emergency on the provision of health care resources to the residents of Libby, Montana. Please discuss what EPA's understanding is of the real resources that are available to a community like Libby, if such a declaration could be granted.

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Additionally, recent press reports have indicated that EPA either did not know of, or ignored, studies that indicated disturbing Zonolite could release high concentrations of asbestos fibers. Other press reports have indicated that there is a link between EPA's actions in Libby to remove contaminated insulation and other fill material in Libby homes, and EPA's failures to warn the public about any risks associated with Zonolite insulation. Therefore, I am interested in any information the EPA may have regarding the relationship between the removal of contaminated materials from homes in Libby, and EPA's scientific understanding of the health risks posed by Zonolite insulation, or other vermiculite insulation manufactured from ore mined in Libby, Montana.

And finally, and perhaps most importantly, please discuss EPA's understanding of the differences between tremolite asbestos and chrysotile asbestos in terms of the relative toxicity of each form of asbestos, and in terms of the unique health risks posed by tremolite asbestos as compared to chrysotile asbestos. Please discuss in detail any studies conducted by, currently being conducted by, or planned by EPA, or by any other federal agency working with EPA, to study tremolite asbestos and/or "Libby fiber." Please indicate how the presence of tremolite asbestos and/or "Libby fiber" is a factor in the unique situation in Libby, Montana.

Please feel free to number your responses to my questions as you see fit, but please be sure to answer every question asked in detail.

I appreciate your prompt reply to this letter.

Sincerely,



MSB/klb